

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1718

**Introduced by Committee on Transportation (Dutra (Chair),
Chan, Chu, Liu, Longville, Nakano, Oropeza, Parra, Pavley,
Salinas, and Simitian)**

February 27, 2003

An act to amend Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, ~~44204~~, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1718, as amended, Committee on Transportation. Vehicles.

(1) Existing law requires the Department of Motor Vehicles to suspend the driving privilege of a judgment debtor for failing to satisfy a judgment if, among other things, the judgment was for property damage in excess of \$500. Where the judgment was for \$500 or less, existing law authorizes the judgment creditor to file a notice with the department requesting a suspension of the judgment debtor's privilege to operate a motor vehicle.

This bill would require the department to suspend the driving privilege of a judgment debtor for failing to satisfy a judgment if, in addition to other requirements, the judgment was for property damage

in excess of \$750. The bill would authorize a judgment creditor to file a notice with the department requesting a suspension of the judgment debtor's privilege to operate a motor vehicle if, in addition to other requirements, the judgment was for \$750 or less.

(2) Existing law requires the department to determine the facilities and attractions for which generic tourist oriented directional signs will be provided, depending on whether those facilities and attractions meet specified minimum criteria. Existing law establishes that criteria governing the administration, standards, eligibility, and fees concerning the tourist oriented directional sign program remain in effect only until January 1, 2004, and are thereafter repealed.

This bill would delete the specified repeal date.

(3) Existing law defines "total loss salvage vehicle for purposes of the Vehicle Code."

This bill would make changes to that definition.

(4) Existing law establishes the New Motor Vehicle Board and requires the department to provide the board with the services of a secretary and an assistant secretary to perform certain board functions. Existing law also authorizes a hearing officer to discharge certain acts.

This bill would transfer the duties of a secretary to an executive director and would delete all reference to a secretary or an assistant secretary. The bill would also transfer the authorization granted to a hearing officer to an administrative law judge and would delete references to a hearing officer. The bill would add prehearing conference proceedings to the specified list of proceedings in which an administrative law judge is authorized to act.

(5) Existing law prohibits a person from driving a motor vehicle unless it is registered and appropriate fees have been paid, with certain exceptions. Upon registering a vehicle, existing law requires the department to issue a certificate of ownership and a registration card to the legal owner. Existing law requires a registration card to contain certain information upon its face, including the name and residence or business address of the owner and of the legal owner of the vehicle. Existing law prohibits general delivery or post office box numbers to be used as the address of the registered owner unless there is no other address.

This bill would authorize the use of a mailing address on the face of a registration card and would delete the prohibition on the use of general delivery or post office box numbers.



~~(6) Existing law requires the department to license operators of traffic violator schools if those operators meet specified criteria, including passing an examination on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes and regulations, and office procedures and recordkeeping.~~

~~This bill would authorize the department, in lieu of that examination, to accept submission of evidence by the licensee of continuing professional education, as defined.~~

~~(7) Existing law requires the department to prepare and publish a printed summary to notify a person whose driving privilege is suspended of that person's right to apply for a restricted driving privilege. Existing law specifies the content of that summary.~~

~~This bill would make changes to that content.~~

~~(8)~~

(7) Existing law authorizes a motor vehicle to be equipped with not more than 2 foglamps that may be used with, but may not be used in substitution of, headlamps. Existing law requires foglamps to be mounted on the front at a height of not less than 12 inches nor more than 30 inches.

For motorcycles with foglamps, this bill would require the mounting height for the foglamps to be not more than 40 inches.

~~(9)~~

(8) The bill would make technical, nonsubstantive changes in existing law relating to vehicles.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116.870 of the Code of Civil Procedure
2 is amended to read:
3 116.870. Sections 16250 to 16381, inclusive, of the Vehicle
4 Code, regarding the suspension of the judgment debtor's privilege
5 to operate a motor vehicle for failing to satisfy a judgment, apply
6 if the judgment (1) was for damage to property in excess of seven
7 hundred fifty dollars (\$750) or for bodily injury to, or death of, a
8 person in any amount, and (2) resulted from the operation of a
9 motor vehicle upon a California highway by the defendant, or by
10 any other person for whose conduct the defendant was liable,

1 unless the liability resulted from the defendant's signing the
2 application of a minor for a driver's license.

3 SEC. 2. Section 116.880 of the Code of Civil Procedure is
4 amended to read:

5 116.880. (a) If the judgment (1) was for seven hundred fifty
6 dollars (\$750) or less, (2) resulted from a motor vehicle accident
7 occurring on a California highway caused by the defendant's
8 operation of a motor vehicle, and (3) has remained unsatisfied for
9 more than 90 days after the judgment became final, the judgment
10 creditor may file with the Department of Motor Vehicles a notice
11 requesting a suspension of the judgment debtor's privilege to
12 operate a motor vehicle.

13 (b) The notice shall state that the judgment has not been
14 satisfied, and shall be accompanied by (1) a fee set by the
15 department, (2) the judgment of the court determining that the
16 judgment resulted from a motor vehicle accident occurring on a
17 California highway caused by the judgment debtor's operation of
18 a motor vehicle, and (3) a declaration that the judgment has not
19 been satisfied. The fee shall be used by the department to finance
20 the costs of administering this section and may not exceed the
21 department's actual costs.

22 (c) Upon receipt of a notice, the department shall attempt to
23 notify the judgment debtor by telephone, if possible, otherwise by
24 certified mail, that the judgment debtor's privilege to operate a
25 motor vehicle will be suspended for a period of 90 days, beginning
26 20 days after receipt of notice by the department from the
27 judgment creditor, unless satisfactory proof, as provided in
28 subdivision (e), is provided to the department before that date.

29 (d) At the time the notice is filed, the department shall give the
30 judgment creditor a copy of the notice that shall indicate the filing
31 fee paid by the judgment creditor, and shall include a space to be
32 signed by the judgment creditor acknowledging payment of the
33 judgment by the judgment debtor. The judgment creditor shall
34 mail or deliver a signed copy of the acknowledgment to the
35 judgment debtor once the judgment is satisfied.

36 (e) The department shall terminate the suspension, or the
37 suspension proceedings, upon the occurrence of one or more of the
38 following:

39 (1) Receipt of proof that the judgment has been satisfied, either
40 (A) by a copy of the notice required by this section signed by the

1 judgment creditor acknowledging satisfaction of the judgment, or
2 (B) by a declaration of the judgment debtor stating that the
3 judgment has been satisfied.

4 (2) Receipt of proof that the judgment debtor is complying with
5 a court-ordered payment schedule.

6 (3) Proof that the judgment debtor had insurance covering the
7 accident sufficient to satisfy the judgment.

8 (4) A deposit with the department of the amount of the
9 unsatisfied judgment, if the judgment debtor presents proof,
10 satisfactory to the department, of inability to locate the judgment
11 creditor.

12 (5) At the end of 90 days.

13 (f) When the suspension has been terminated under subdivision
14 (e), the action is final and may not be reinstituted. Whenever the
15 suspension is terminated, Section 14904 of the Vehicle Code shall
16 apply. Money deposited with the department under this section
17 shall be handled in the same manner as money deposited under
18 subdivision (d) of Section 16377 of the Vehicle Code.

19 (g) A public agency is not liable for an injury caused by the
20 suspension, termination of suspension, or the failure to suspend a
21 person's privilege to operate a motor vehicle as authorized by this
22 section.

23 SEC. 3. Section 229.40 of the Streets and Highways Code is
24 repealed.

25 SEC. 4. Section 544 of the Vehicle Code is amended to read:
26 544. "Total loss salvage vehicle" means either of the
27 following:

28 (a) A vehicle, other than a nonrepairable vehicle, of a type
29 subject to registration that has been wrecked, destroyed, or
30 damaged, to the extent that the owner, leasing company, financial
31 institution, or the insurance company that insured or is responsible
32 for repair of the vehicle, considers it uneconomical to repair the
33 vehicle and because of this, the vehicle is not repaired by or for the
34 person who owned the vehicle at the time of the event resulting in
35 damage.

36 (b) A vehicle that was determined to be uneconomical to repair,
37 for which a total loss payment has been made by an insurer,
38 whether or not the vehicle is subsequently repaired, if prior to or
39 upon making the payment to the claimant, the insurer obtains the
40 agreement of the claimant to the amount of the total loss

1 settlement, and informs the client that, pursuant to Section 11515,
2 the total loss settlement must be reported to the Department of
3 Motor Vehicles, which will issue a salvage certificate for the
4 vehicle.

5 SEC. 5. Section 3014 of the Vehicle Code is amended to read:

6 3014. The board may appoint an executive director, who shall
7 be exempt from civil service requirements, and who shall devote
8 as much time as may be necessary to discharge the functions of the
9 board as herein provided. The department shall provide the board
10 with the necessary personnel, office space, equipment, supplies,
11 and services that, in the opinion of the board, may be necessary to
12 administer this chapter. However, the board may contract with the
13 department or another state agency for office space, equipment,
14 supplies, and services, as determined by the board to be
15 appropriate, for the administration of this chapter.

16 SEC. 6. Section 3015 of the Vehicle Code is amended to read:

17 3015. In addition to the office of the executive director in
18 Sacramento, the department shall, as the need therefor occurs,
19 secure adequate rooms for the meetings of the board in Los
20 Angeles, San Francisco, Sacramento, or other locations in the state
21 as may be required in the discretion of the board, to administer this
22 chapter.

23 SEC. 7. Section 3050.1 of the Vehicle Code is amended to
24 read:

25 3050.1. (a) In a proceeding, hearing, or in the discharge of
26 duties imposed under this chapter, the board, its executive director,
27 or an administrative law judge designated by the board may
28 administer oaths, take depositions, certify to official acts, and issue
29 subpoenas to compel attendance of witnesses and the production
30 of books, records, papers, and other documents in any part of the
31 state.

32 (b) For purposes of discovery, the board or its executive
33 director may, if deemed appropriate and proper under the
34 circumstances, authorize the parties to engage in the civil action
35 discovery procedures in Article 3 (commencing with Section
36 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil
37 Procedure, excepting the provisions of Section 2030 of that code.
38 Discovery shall be completed no later than 15 days prior to the
39 commencement of the proceeding or hearing before the board.
40 This subdivision shall apply only to those proceedings or hearings

1 involving a petition or protest filed pursuant to subdivision (c) or
2 (d) of Section 3050. The board, its executive director, or an
3 administrative law judge designated by the board may issue
4 subpoenas to compel attendance at depositions of persons having
5 knowledge of the acts, omissions, or events that are the basis for
6 the proceedings, as well as the production of books, records,
7 papers, and other documents.

8 SEC. 8. Section 3050.2 of the Vehicle Code is amended to
9 read:

10 3050.2. (a) Obedience to subpoenas issued to compel
11 attendance of witnesses, or the production of books, records,
12 papers, and other documents at the proceeding or hearing, may be
13 enforced by application to the superior court as set forth in Article
14 2 (commencing with Section 11180) of Chapter 2 of Part 1 of
15 Division 3 of Title 2 of the Government Code.

16 (b) Compliance with discovery procedures authorized
17 pursuant to subdivision (b) of Section 3050.1 may be enforced by
18 application to the executive director of the board. The executive
19 director may, at the direction of the board, upon a showing of
20 failure to comply with authorized discovery without substantial
21 justification for that failure, dismiss the protest or petition or
22 suspend the proceedings pending compliance. The executive
23 director may, at the direction of the board, upon a failure to comply
24 with authorized discovery without substantial justification for that
25 failure, require payment of costs incurred by the board, as well as
26 attorney's fees and costs of the party who successfully makes or
27 opposes a motion to compel enforcement of discovery. Nothing in
28 this section precludes the executive director from making
29 application to the superior court to enforce obedience to subpoenas
30 or compliance with other discovery procedures authorized
31 pursuant to subdivision (b) of Section 3050.1.

32 SEC. 9. Section 3050.3 of the Vehicle Code is amended to
33 read:

34 3050.3. A witness, other than an officer or employee of the
35 state or of a political subdivision of the state, who appears by order
36 of the board or its executive director, shall receive for his or her
37 attendance the same fees and the same mileage allowed by law to
38 witnesses in civil cases. The amount shall be paid by the party at
39 whose request the witness is subpoenaed. The mileage and fees, if
40 any, of a witness subpoenaed by the board or its executive director,

1 but not at the request of a party, shall be paid from the funds
2 provided for the use of the board in the same manner that other
3 expenses of the board are paid.

4 SEC. 10. Section 3050.4 of the Vehicle Code is amended to
5 read:

6 3050.4. In a protest or petition before the board, the board, its
7 executive director, or an administrative law judge designated by
8 the board or its executive director, may order a mandatory
9 settlement conference. The failure of a party to appear, to be
10 prepared, or to have authority to settle the matter may result in one
11 or more of the following:

12 (a) The board, its executive director, or an administrative law
13 judge designated by the board or its executive director, may
14 suspend all proceedings before the board in the matter until
15 compliance.

16 (b) The board, its executive director, or an administrative law
17 judge designated by the board or its executive director, may
18 dismiss the proceedings or any part thereof before the board with
19 or without prejudice.

20 (c) The board, its executive director, or an administrative law
21 judge designated by the board or its executive director, may
22 require all the board's costs to be paid by the party at fault.

23 (d) The board, its executive director, or an administrative law
24 judge designated by the board or its executive director, may deem
25 that the party at fault has abandoned the matter.

26 SEC. 11. Section 3050.6 of the Vehicle Code is amended to
27 read:

28 3050.6. The board or its executive director may, in the event
29 of a granting of a continuance of a scheduled matter, assess costs
30 of the board upon the party receiving the continuance.

31 SEC. 12. Section 3050.7 of the Vehicle Code is amended to
32 read:

33 3050.7. (a) The board may adopt stipulated decisions and
34 orders, without a hearing pursuant to Section 3066, to resolve one
35 or more issues raised by a protest or petition filed with the board.
36 Whenever the parties to a protest or petition submit a proposed
37 stipulated decision and proposed order of the board, a copy of the
38 proposed stipulated decision and order shall be transmitted by the
39 executive director of the board to each member of the board. The
40 proposed stipulated decision and order shall be deemed to be

1 adopted by the board unless a member of the board notifies the
2 executive director of the board of an objection thereto within 10
3 days after that board member has received a copy of the proposed
4 stipulated decision and order.

5 (b) If the board adopts a stipulated decision and order to resolve
6 a protest filed pursuant to Section 3060 in which the parties
7 stipulate that good cause exists for the termination of the franchise
8 of the protestant, and the order provides for a conditional or
9 unconditional termination of the franchise of the protestant,
10 subdivision (b) of Section 3060, which requires a hearing to
11 determine whether good cause exists for termination of the
12 franchise, is inapplicable to the proceedings. If the stipulated
13 decision and order provides for an unconditional termination of
14 the franchise, the franchise may be terminated without further
15 proceedings by the board. If the stipulated decision and order
16 provides for the termination of the franchise, conditioned upon the
17 failure of a party to comply with specified conditions, the franchise
18 may be terminated upon a determination, according to the terms
19 of the stipulated decision and order, that the conditions have not
20 been met. If the stipulated decision and order provides for the
21 termination of the franchise conditioned upon the occurrence of
22 specified conditions, the franchise may be terminated upon a
23 determination, according to the terms of the stipulated decision
24 and order, that the stipulated conditions have occurred.

25 SEC. 13. Section 3052 of the Vehicle Code is amended to
26 read:

27 3052. (a) On or before the 10th day after the last day on which
28 reconsideration of a final decision of the department can be
29 ordered, the respondent may file an appeal with the executive
30 director of the board. The appeal shall be in writing and shall state
31 the grounds therefor. A copy of the appeal shall be mailed by the
32 appellant to the department, and the department shall thereafter be
33 considered as a party to the appeal. The right to appeal is not
34 affected by failure to seek reconsideration before the department.

35 (b) An appeal is considered to be filed on the date it is received
36 in the office of the executive director of the board, except that an
37 appeal mailed to the executive director by means of registered mail
38 is considered to be filed with the executive director on the
39 postmark date.



1 (c) The appeal shall be accompanied by evidence that the
2 appellant has requested the administrative record of the
3 department and advanced the cost of preparation of that record.
4 The complete administrative record includes the pleadings, all
5 notices and orders issued by the department, any proposed
6 decision by an administrative law judge, the exhibits admitted or
7 rejected, the written evidence, and any other papers in the case. All
8 parts of the administrative record requested by the appellant may
9 be filed with the appeal together with the appellant's points and
10 authorities. If the board orders the filing of additional parts of the
11 administrative record, the board may order prior payment by the
12 appellant of the cost of providing those additional parts.

13 (d) Except as provided in subdivisions (e) and (f), a decision of
14 the department may not become effective during the period an
15 appeal may be filed, and the filing of an appeal shall stay the
16 decision of the department until a final order is made by the board.

17 (e) When a decision has ordered revocation of a dealer's
18 license, the department may, on or before the last day upon which
19 an appeal may be filed with the board, petition the board to order
20 the decision of the department into effect.

21 (f) With respect to the department's petition filed pursuant to
22 subdivision (e), the department shall have the burden of proof. The
23 board shall act upon the petition within 14 days or prior to the
24 effective date of the department's decision, whichever is later. The
25 board may order oral argument on the petition before the board.
26 Oral argument by telephone conference call with a quorum of the
27 board members present, either in person or by telephone, is
28 permitted.

29 SEC. 14. Section 3062 of the Vehicle Code is amended to
30 read:

31 3062. (a) (1) Except as otherwise provided in subdivision
32 (b), if a franchisor seeks to enter into a franchise establishing an
33 additional motor vehicle dealership within a relevant market area
34 where the same line-make is then represented, or seeks to relocate
35 an existing motor vehicle dealership, the franchisor shall, in
36 writing, first notify the board and each franchisee in that line-make
37 in the relevant market area of the franchisor's intention to establish
38 an additional dealership or to relocate an existing dealership within
39 or into that market area. Within 20 days of receiving the notice,
40 satisfying the requirements of this section, or within 20 days after

the end of an appeal procedure provided by the franchisor, a franchisee required to be given the notice may file with the board a protest to the establishing or relocating of the dealership. If, within this time, a franchisee files with the board a request for additional time to file a protest, the board or its executive director, upon a showing of good cause, may grant an additional 10 days to file the protest. When a protest is filed, the board shall inform the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor may not establish or relocate the proposed dealership until the board has held a hearing as provided in Section 3066, nor thereafter, if the board has determined that there is good cause for not permitting the dealership. In the event of multiple protests, hearings may be consolidated to expedite the disposition of the issue.

(2) If a franchisor seeks to enter into a franchise that authorizes a satellite warranty facility to be established at, or relocated to, a proposed location that is within two miles of a dealership of the same line-make, the franchisor shall first give notice in writing of the franchisor's intention to establish or relocate a satellite warranty facility at the proposed location to the board and each franchisee operating a dealership of the same line-make within two miles of the proposed location. Within 20 days of receiving the notice satisfying the requirements of this section, or within 20 days after the end of an appeal procedure provided by the franchisor, a franchisee required to be given the notice may file with the board a protest to the establishing or relocating of the satellite warranty facility. If, within this time, a franchisee files with the board a request for additional time to file a protest, the board or its executive director, upon a showing of good cause, may grant an additional 10 days to file the protest. When a protest is filed, the board shall inform the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor may not establish or relocate the proposed satellite warranty facility until the board has held a hearing as provided in Section 3066, nor thereafter, if the board has determined that there is good cause for not permitting the satellite warranty facility. In the event of multiple protests, hearings may be consolidated to expedite the disposition of the issue.



(3) The written notice shall contain, on the first page thereof in at least 12-point bold type and circumscribed by a line to segregate it from the rest of the text, the following statement:

“NOTICE TO DEALER: You have the right to file a protest with the NEW MOTOR VEHICLE BOARD in Sacramento and have a hearing on your protest under the terms of the California Vehicle Code if you oppose this action. You must file your protest with the board within 20 days of your receipt of this notice, or within 20 days after the end of any appeal procedure that is provided by us to you. If within this time you file with the board a request for additional time to file a protest, the board or its executive director, upon a showing of good cause, may grant you an additional 10 days to file the protest.”

(b) Subdivision (a) does not apply to either of the following:

(1) The relocation of an existing dealership to a location that is both within the same city as, and within one mile from, the existing dealership location.

(2) The establishment at a location that is both within the same city as, and within one-quarter mile from, the location of a dealership of the same line-make that has been out of operation for less than 90 days.

(c) Subdivision (a) does not apply to a display of vehicles at a fair, exposition, or similar exhibit if actual sales are not made at the event and the display does not exceed 30 days. This subdivision may not be construed to prohibit a new vehicle dealer from establishing a branch office for the purpose of selling vehicles at the fair, exposition, or similar exhibit, even though the event is sponsored by a financial institution, as defined in Section 31041 of the Financial Code or by a financial institution and a licensed dealer. The establishment of these branch offices, however, shall be in accordance with subdivision (a) where applicable.

(d) For the purposes of this section, the reopening of a dealership that has not been in operation for one year or more shall be deemed the establishment of an additional motor vehicle dealership.

(e) As used in this section, the following definitions apply:

(1) “Motor vehicle dealership” or “dealership” means an authorized facility at which a franchisee offers for sale or lease, displays for sale or lease, or sells or leases new motor vehicles.

(2) “Satellite warranty facility” means a facility operated by a franchisee where authorized warranty repairs and service are performed and the offer for sale or lease, the display for sale or lease, or the sale or lease of new motor vehicles is not authorized to take place.

SEC. 15. Section 3066 of the Vehicle Code is amended to read:

3066. (a) Upon receiving a notice of protest pursuant to Section 3060, 3062, 3064, 3065, or 3065.1, the board shall fix a time within 60 days of the order, and place of hearing, and shall send by registered mail a copy of the order to the franchisor, the protesting franchisee, and all individuals and groups that have requested notification by the board of protests and decisions of the board. Except in a case involving a franchisee who deals exclusively in motorcycles, the board or its executive director may, upon a showing of good cause, accelerate or postpone the date initially established for a hearing, but the hearing may not be rescheduled more than 90 days after the board’s initial order. For the purpose of accelerating or postponing a hearing date, “good cause” includes, but is not limited to, the effects upon, and any irreparable harm to, the parties or interested persons or groups if the request for a change in hearing date is not granted. The board or an administrative law judge designated by the board shall hear and consider the oral and documented evidence introduced by the parties and other interested individuals and groups, and the board shall make its decision solely on the record so made. Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and Sections 11507.3, 11507.6, 11507.7, 11511, 11511.5, 11513, 11514, 11515, and 11517 of the Government Code apply to these proceedings.

(b) In a hearing on a protest filed pursuant to Section 3060 or 3062, the franchisor shall have the burden of proof to establish that there is good cause to modify, replace, terminate, or refuse to continue a franchise. The franchisee shall have the burden of proof to establish that there is good cause not to enter into a franchise establishing or relocating an additional motor vehicle dealership.

(c) In a hearing on a protest alleging a violation of, or filed pursuant to, Section 3064, 3065, or 3065.1, the franchisee shall have the burden of proof, but the franchisor has the burden of proof to establish that a franchisee acted with intent to defraud the

1 franchisor where that issue is material to a protest filed pursuant
2 to Section 3065 or 3065.1.

3 (d) A member of the board who is a new motor vehicle dealer
4 may not participate in, hear, comment, or advise other members
5 upon, or decide, a matter involving a protest filed pursuant to this
6 article unless all parties to the protest stipulate otherwise.

7 SEC. 16. Section 3067 of the Vehicle Code is amended to
8 read:

9 3067. (a) The decision of the board shall be in writing and
10 shall contain findings of fact and a determination of the issues
11 presented. The decision shall sustain, conditionally sustain,
12 overrule, or conditionally overrule the protest. Conditions
13 imposed by the board shall be for the purpose of assuring
14 performance of binding contractual agreements between
15 franchisees and franchisors or otherwise serving the purposes of
16 this article. If the board fails to act within 30 days after the hearing,
17 within 30 days after the board receives a proposed decision where
18 the case is heard before an administrative law judge alone, or
19 within a period necessitated by Section 11517 of the Government
20 Code, or as may be mutually agreed upon by the parties, then the
21 proposed action shall be deemed to be approved. Copies of the
22 board's decision shall be delivered to the parties personally or sent
23 to them by registered mail, as well as to all individuals and groups
24 that have requested notification by the board of protests and
25 decisions by the board. The board's decision shall be final upon its
26 delivery or mailing and a reconsideration or rehearing is not
27 permitted.

28 (b) Notwithstanding subdivision (c) of Section 11517 of the
29 Government Code, if a protest is heard by an administrative law
30 judge alone, 10 days after receipt by the board of the
31 administrative law judge's proposed decision, a copy of the
32 proposed decision shall be filed by the board as a public record and
33 a copy shall be served by the board on each party and his or her
34 attorney.

35 SEC. 17. Section 4453 of the Vehicle Code is amended to
36 read:

37 4453. (a) The registration card shall contain upon its face, the
38 date issued, the name and residence or business address or mailing
39 address of the owner and of the legal owner, if any, the registration
40 number assigned to the vehicle, and a description of the vehicle as

1 complete as that required in the application for registration of the
2 vehicle.

3 (b) The following motor vehicles shall be identified as such on
4 the face of the registration card whenever the department is able
5 to ascertain that fact at the time application is made for initial
6 registration or transfer of ownership of the vehicle:

7 (1) A motor vehicle rebuilt and restored to operation that was
8 previously declared to be a total loss salvage vehicle because the
9 cost of repairs exceeds the retail value of the vehicle.

10 (2) A motor vehicle rebuilt and restored to operation that was
11 previously reported to be dismantled pursuant to Section 11520.

12 (3) A motor vehicle previously registered to a law enforcement
13 agency and operated in law enforcement work.

14 (4) A motor vehicle formerly operated as a taxicab.

15 (5) A motor vehicle manufactured outside of the United States
16 and not intended by the manufacturer for sale in the United States.

17 (6) A park trailer, as described in Section 18009.3 of the Health
18 and Safety Code, that when moved upon the highway is required
19 to be moved under a permit pursuant to Section 35780.

20 (7) A motor vehicle that has been reacquired under
21 circumstances described in subdivision (c) of Section 1793.23 of
22 the Civil Code, a vehicle with out-of-state titling documents
23 reflecting a warranty return, or a vehicle that has been identified
24 by an agency of another state as requiring a warranty return title
25 notation, pursuant to the laws of that state. The notation made on
26 the face of the registration and pursuant to this subdivision shall
27 state "Lemon Law Buyback."

28 (c) The director may modify the form, arrangement, and
29 information appearing on the face of the registration card and may
30 provide for standardization and abbreviation of fictitious or firm
31 names on the registration card whenever the director finds that the
32 efficiency of the department will be promoted by so doing.

33 ~~SEC. 18. Section 11204 of the Vehicle Code is amended to~~
34 ~~read:~~

35 ~~11204. (a) The department shall issue a license certificate to~~
36 ~~each traffic violator school owner and each traffic violator school~~
37 ~~operator licensed pursuant to this chapter. The term of the license~~
38 ~~shall be for a period of one year from the date of issue unless~~
39 ~~cancelled, suspended, or revoked by the department. The license~~
40 ~~shall be renewed annually. The department shall require~~

~~1 compliance with Section 11202 for renewal of the license of a
2 traffic violator school owner. The department shall require
3 compliance with Section 11202.5 for renewal of the license of a
4 traffic violator school operator.~~

~~5 (b) In lieu of the examination required by Section 11202.5 for
6 renewal of the license of a traffic violator school operator, the
7 department may accept submission of evidence by the licensee of
8 continuing professional education. "Professional education," as
9 used in this section, means the satisfactory completion of courses
10 acceptable to the department related to traffic safety, teaching
11 techniques, or the teaching of driver instruction, or the
12 participation in professional seminars approved by the
13 department.~~

~~14 (c) Whenever in its judgment the public interest so requires, the
15 department may issue a probationary license subject to special
16 conditions to be observed by the licensee in the conduct of the
17 traffic violator school. The conditions to be attached to the license
18 shall be, in the judgment of the department, in the public interest
19 and suitable to the qualifications of the applicant as disclosed by
20 the application and investigation by the department of the
21 information contained therein. The conditions may not appear on
22 the license certificate.~~

~~23 (d) Upon notification of death of a traffic violator school
24 licensee, the department may issue a temporary license to the
25 executor or administrator of the estate of a deceased holder of a
26 validly outstanding license to conduct a traffic violator school, or
27 if no executor or administrator has been appointed and until a
28 certified copy of an order making an appointment is filed with the
29 department, a temporary license may be issued to the surviving
30 spouse or other heir entitled to conduct the business of the
31 deceased. The temporary license shall permit the holder to conduct
32 the traffic violator school for a period of one year from and after
33 the date of the original licensee's death, and necessary one-year
34 extensions may be granted to permit disposal of the business and
35 qualification for a license of a purchaser of the business or the
36 surviving spouse or heir. The department may restrict or condition
37 a temporary license and attach to the exercise of the privilege
38 thereunder any terms and conditions that in the department's
39 judgment are required for the protection of the public.~~

~~40 SEC.19.~~

1 *SEC. 18.* Section 12810.5 of the Vehicle Code is amended to
2 read:

3 12810.5. (a) Except as otherwise provided in subdivision (b),
4 a person whose driving record shows a violation point count of
5 four or more points in 12 months, six or more points in 24 months,
6 or eight or more points in 36 months shall be prima facie presumed
7 to be a negligent operator of a motor vehicle. In applying this
8 subdivision to a driver, if the person requests and appears at a
9 hearing conducted by the department, the department shall give
10 due consideration to the amount of use or mileage traveled in the
11 operation of a motor vehicle.

12 (b) (1) A class A or class B licensed driver, except persons
13 holding certificates pursuant to Section 12517, 12519, 12523,
14 12523.5, or 12527, or an endorsement issued pursuant to
15 paragraph (2) or (4) of subdivision (a) of Section 15278, who is
16 presumed to be a negligent operator pursuant to subdivision (a),
17 and who requests and appears at a hearing and is found to have a
18 driving record violation point count of six or more points in 12
19 months, eight or more points in 24 months, or 10 or more points
20 in 36 months is presumed to be a prima facie negligent operator.
21 However, the higher point count does not apply if the department
22 reasonably determines that four or more points in 12 months, six
23 or more points in 24 months, or eight or more points in 36 months
24 are attributable to the driver's operation of a vehicle requiring only
25 a class C license, and not requiring a certificate or endorsement,
26 or a class M license.

27 (2) For purposes of this subdivision, each point assigned
28 pursuant to Section 12810 shall be valued at one and one-half
29 times the value otherwise required by that section for each
30 violation reasonably determined by the department to be
31 attributable to the driver's operation of a vehicle requiring a class
32 A or class B license, or requiring a certificate or endorsement
33 described in this section.

34 (c) The department may require a negligent operator whose
35 driving privilege is suspended or revoked pursuant to this section
36 to submit proof of financial responsibility, as defined in Section
37 16430, on or before the date of reinstatement following the
38 suspension or revocation. The proof of financial responsibility
39 shall be maintained with the department for three years following
40 that date of reinstatement.

1 ~~SEC. 20.~~

2 *SEC. 19.* Section 16076 of the Vehicle Code is amended to
3 read:

4 16076. (a) The department shall notify every person whose
5 driving privilege is suspended, pursuant to Section 16070, of that
6 person's right to apply for a restricted driving privilege authorized
7 under Section 16072.

8 (b) For purposes of subdivision (a), the department shall
9 prepare and publish a printed summary. The printed summary may
10 contain, but is not limited to, the following wording:

11 "If your driving privilege is suspended due to involvement
12 in an accident while you were uninsured, you may apply for a
13 restricted license at any office of the Department of Motor
14 Vehicles, accompanied with proof of financial responsibility,
15 payment of a penalty fee of two hundred fifty dollars (\$250),
16 and, unless already paid, payment of a reissuance fee.

17 The Mello-McAlister Restricted Employment Driving
18 Privilege Act allows you to apply for a driver's license limiting
19 you to driving to and from work, and during the course of your
20 primary employment, during the one-year mandatory term of
21 suspension. The restricted license will not be issued if any other
22 suspension or revocation action has been taken against your
23 driving privilege."

24 (c) This section shall be known and may be cited as the
25 Mello-McAlister Restricted Employment Driving Privilege Act.

26 ~~SEC. 21.~~

27 *SEC. 20.* Section 24403 of the Vehicle Code is amended to
28 read:

29 24403. (a) A motor vehicle may be equipped with not more
30 than two foglamps that may be used with, but may not be used in
31 substitution of, headlamps.

32 (b) On a motor vehicle other than a motorcycle, the foglamps
33 authorized under this section shall be mounted on the front at a
34 height of not less than 12 inches nor more than 30 inches and aimed
35 so that when the vehicle is not loaded none of the high-intensity
36 portion of the light to the left of the center of the vehicle projects
37 higher than a level of four inches below the level of the center of
38 the lamp from which it comes, for a distance of 25 feet in front of
39 the vehicle.

(c) On a motorcycle, the foglamps authorized under this section shall be mounted on the front at a height of not less than 12 inches nor more than 40 inches and aimed so that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle projects higher than a level of four inches below the level of the center of the lamp from which it comes, for a distance of 25 feet in front of the vehicle.

~~SEC. 22.~~

SEC. 21. Section 40508 of the Vehicle Code is amended to read:

40508. (a) A person willfully violating his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.

(b) A person willfully failing to pay a lawfully imposed fine for a violation of a provision of this code or a local ordinance adopted pursuant to this code within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due is guilty of a misdemeanor regardless of the full payment of the fine after that time.

(c) A person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of his or her subsequent compliance with the order.

(d) If a person convicted of an infraction fails to pay a fine or an installment thereof within the time authorized by the court, the court may, except as otherwise provided in this subdivision, impound the person's driver's license and order the person not to drive for a period not to exceed 30 days. Before returning the license to the person, the court shall endorse on the reverse side of the license that the person was ordered not to drive, the period for which that order was made, and the name of the court making the order. If a defendant with a class C or M driver's license satisfies the court that impounding his or her driver's license and ordering the defendant not to drive will affect his or her livelihood, the court shall order that the person limit his or her driving for a period not to exceed 30 days to driving that is essential in the court's determination to the person's employment, including the person's

1 driving to and from his or her place of employment if other means
2 of transportation are not reasonably available. The court shall
3 provide for the endorsement of the limitation on the person's
4 license. The impounding of the license and ordering the person not
5 to drive or the order limiting the person's driving does not
6 constitute a suspension of the license, but a violation of the order
7 constitutes contempt of court.

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